

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

#3

Applicant : Clare Passmore et al.
Serial No.: 09/423,715
Filed : November 12, 1999
For : TOPICAL COMPOSITIONS
Attention : Customer Service Center
Initial Patent Examination Division

I hereby certify that this paper is being deposited this date with the U.S. Postal Service in first class mail addressed to Assistant Commissioner for Patents, Washington, D.C. 20231.

Jay H. Maioli
Reg.No. 27,213

Date
January 10, 2000

Repln. Ref: 07/19/2001 CWILLIAM 0014504500
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01/18/2000 PVOLPE 00000082 09423715
01 FC:198 -130.00 OP

January 10, 2000
1185 Avenue of the Americas
New York, NY 10036
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RESPONSE TO NOTIFICATION OF MISSING
REQUIREMENTS UNDER 35 U.S.C. 371

Assistant Commissioner for Patents
Box PCT
Washington, D.C. 20231

Sir:

01/18/2000 PVOLPE 00000082 09423715
01 FC:198 130.00 OP

In response to the Notification of Missing Requirements Under 35 U.S.C. 371, mailed December 22, 1999, Applicants hereby submit a newly executed Declaration that identifies the above application by serial number and filing date. The required surcharge is also submitted herewith along with a copy of the subject Notice.


The Office is hereby authorized to charge any additional fees which may be required in connection with this amendment and to credit any overpayment to our Deposit Account No. 03-3125.

If a petition for an extension of time is required to make this response timely, this paper should be considered

to be such a petition, and the Commissioner is authorized to charge the requisite fees to our deposit account No. 03-3125.

Respectfully submitted,

COOPER & DUNHAM LLP


Jay H. Maioli
Reg. No. 27,213

JHM:rv
Enc.

09/425715



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
Address: ASSISTANT COMMISSIONER FOR PATENTS
Box PCT
Washington, D.C. 20231

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|---|----------|------------------------------|---|
| U.S. APPLICATION NO. 09/425715 | PASSMORE | FIRST NAMED APPLICANT | ATTY. DOCKET NO. 6442/60557 |
| JAY H MAIOLI COOPER AND DUNHAM 1185 AVENUE OF THE AMERICAS NEW YORK NY 10036 | | 5611 | INTERNATIONAL APPLICATION NO. PCT/IE98/00036 |
| | | I.A. FILING DATE 05/14/98 | PRIORITY DATE 05/14/97 |
| | | DATE MAILED: 12/22/99 | |

NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

1. The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as

- ☐ a Designated Office (37 CFR 1.494),
☒ an Elected Office (37 CFR 1.495):

☒ U.S. Basic National Fee.

☒ Copy of the international application in:

☐ a non-English language.

☒ English.

☐ Translation of the international application into English.

☐ Oath or Declaration of inventors(s) for DO/EO/US.

☐ Copy of Article 19 amendments.

☐ Translation of Article 19 amendments into English.

☒ The International Preliminary Examination Report in English and its Annexes, if any.

☐ Translation of Annexes to the International Preliminary Examination Report into English.

☐ Preliminary amendment(s) filed _____ and _____.

☐ Information Disclosure Statement(s) filed _____ and _____.

☐ Assignment document.

☐ Power of Attorney and/or Change of Address.

☐ Substitute specification filed _____.

☐ Statement Claiming Small Entity Status.

☒ Priority Document.

☒ Copy of the International Search Report ☒ and copies of the references cited therein.

☐ Other:

2. The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

☐ a. Translation of the application into English. Note a processing fee will be required if submitted later than the appropriate 20 or 30 months from the priority date.

☐ The current translation is defective for the reasons indicated on the attached Notice of Defective Translation.

☐ b. Processing fee for providing the translation of the application and/or the Annexes later than the appropriate 20 or 30 months from the priority date (37 CFR 1.492(f)).

☒ c. Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.

☐ The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) for the reasons indicated on the attached PCT/DO/EO/917.

☐ d. Surcharge for providing the oath or declaration later than the appropriate 20 or 30 months from the priority date (37 CFR 1.492(e)).

3. Additional claim fees of \$ _____ as a ☐ large entity ☐ small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due (37 CFR 1.492(g)). See attached PTO-875.

ALL OF THE ITEMS SET FORTH IN 2(a)-2(d) AND 3 ABOVE MUST BE SUBMITTED WITHIN ONE MONTH FROM THE DATE OF THIS NOTICE OR BY ☐ 21 OR ☒ 31 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

4. Translation of the Annexes **MUST** be submitted no later than the time period set above or the annexes will be cancelled. Note processing fee will be required if submitted later than 30 months from the priority date.

5. ☐ The Article 19 amendments are cancelled since a translation was not provided by the appropriate 20 (37 CFR 1.494(d)) or 30 (37 CFR 1.495(d)) months from the priority date.

Applicant is reminded that any communication to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above. (37 CFR 1.5)

A copy of this notice MUST be returned with this response.

Enclosed: ☐ PCT/DO/EO/917

☐ Notice of Defective Translation

☐ PTO-875

FORM PCT/DO/EO/905 (December 1997)

Barbara Campbell

National Stage Processing

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